



## COUNCIL AGENDA REPORT

MEETING DATE: 2/02/09

ITEM NO. 9

DATE: January 26, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: INTRODUCE AN ORDINANCE ESTABLISHING WILDLAND-URBAN  
INTERFACE FIRE AREA

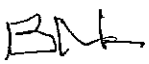
### RECOMMENDATION:

- 1) Direct Clerk Administrator to read title of the attached ordinance (no motion required)
- 2) Move to waive the reading of the ordinance (motion required)
- 3) Introduce the ordinance to effectuate the Town Code Amendment and instruct Clerk Administrator to publish a summary and notice no more than five (5) days prior to adoption. (Motion Required)

### BACKGROUND:

On January 30, 2007, the State of California adopted eleven new building codes. Local jurisdictions and municipalities were required to adopt these new codes by January 1, 2008. The Town adopted these codes on November 19, 2007. The new 2007 California Building Code (CBC) had a new chapter, Chapter 7A, created by the California Department of Forestry and Fire Protection (CalFire) for establishing construction requirements for new homes in wildland-urban interface areas.

CalFire has been developing Fire Hazard Severity Zone maps using computer modeling based on vegetation data, topography and potential fire behavior. CalFire's original draft maps consisted of Very High, High and Moderate Fire Hazard Severity Zones but these maps were not available at the time of code adoption. CalFire had expected to provide the recommended Fire Hazard Area maps to local Jurisdictions for adoption early in 2008, but they were unable to meet that deadline. The Town of Los Gatos received the final draft Fire Hazard map on October 16, 2008. Only the Very High Fire Hazard Severity Zone (FHSZ) was recommended for adoption by CalFire. The high and moderate fire areas were left to the local enforcement agencies to adopt if

  
PREPARED BY: BUD N. LORTZ, Community Development Director/  
ANTHONY GHIOSSI/Building Official

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Reviewed by: DS Assistant Town Manager W Town Attorney  
\_\_\_\_ Clerk Administrator \_\_\_\_ Finance ✓ Community Development

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deemed necessary. California Government Code Sections 51178.5 and 51179 (a through g) require local jurisdictions to act on the Wildland-Urban Interface Fire Area maps within 120 Days.

DISCUSSION:

CalFire's broad objective in establishing the 2007 CBC Chapter 7A and the FHSZ map is to establish minimum standards for materials and material assemblies to provide a reasonable level of exterior wildfire exposure protection for new buildings constructed in a Wildland –Urban interface fire areas. The use of ignition resistant materials and design to resist the intrusion of flame or burning embers projected by a vegetation fire will help mitigate the losses resulting from a repeating cycle of interface fire disasters.

Santa Clara County Fire Department (SCCFD) and the Town reviewed the final draft of the FHSZ map and compared this map with the previously adopted Hazardous Fire Area Map (HFA). The proposed FHSZ map will moderately expand the Town's existing HFA in most locations; however, the FHSZ would reduce the original HFA in the East area of Town near Hicks Road, also shown on Exhibit "A". The Town adopted a HFA map years ago as requested and recommended by the Santa Clara County Fire Department. The original HFA map was created by SCCFD with a parcel by parcel site assessment to determine the boundary.

SCCFD and staff have reviewed the boundaries of CalFire's recommended FHSZ map and have determined that some hillside areas were not included in the State proposed map that pose a Wildland-Urban Interface threat due to vegetation, slope and proximity to the FHSZ. Since the local enforcement agency has Government Code authority per Section 51179(c) to adopt additional Wildland-Urban Interface Fire Area (WUIFA) if deemed at significant risk from wildfires, Staff and the SCCFD have included additional areas as indicated on the proposed WUIFA map, Exhibit "A".

The Town of Los Gatos experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires. Additionally, the remoteness and steepness of hillside areas in the Town significantly impacts the ability of emergency responders to extinguish or control wildland or structure fires. These factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction in the hillside areas. Therefore, in addition to the areas determined by the State to be within the FHSZ of the Town of Los Gatos, other areas determined by the Town to be at significant risk from wildfire are included within the WUIFA.

Staff has also identified parcel pockets and fringe parcels that if incorporated by the Town would require Wildland Fire protection, and therefore, Staff has identified these parcels as pre-zoned WUIFA's on the attached WUIFA map.

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MAYOR AND TOWN COUNCIL

SUBJECT: ESTABLISHING THE WILDLAND-URBAN INTERFACE FIRE AREA

*January 26, 2009*

Staff is already requiring conformance to these requirements for homes within the HFA. Code language was added adopting the 2007 CBC which required conformance to the Chapter 7A requirements for new homes constructed within the existing HFA. Staff was concerned about a delay in receipt of the FHSZ map and a gap in construction safety of those new homes in the Wildland –Urban interface fire areas.

CONCLUSION:

Staff and Santa Clara County Fire Department recommend that Council adopt the attached ordinance.

ENVIRONMENTAL ASSESSMENT:

This project is exempt from the provision of the California Environmental Quality Act pursuant to Section 15061(b)(3) because it entails adoption of State mandated Building Codes with minor amendments and will not have as significant effect on the environment.

FISCAL IMPACT: None

Attachments:

1. Ordinance establishing the Wildland-Urban Interface Fire Area
2. Exhibit "A" WUIFA Map

Distribution:

Dirk Mattern, Deputy Chief, Santa Clara County Fire Department, 14700 Winchester Boulevard,  
Los Gatos, CA95032

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**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE ESTABLISHING WILDLAND-URBAN  
INTERFACE FIRE AREA**

**WHEREAS**, the State's Government Code Sections. 51175 through 51189 requires the local agency to designate and adopt fire zones within 120 day of publication; and

**WHEREAS**, the State's Government Code Section 51189(c) allows local agencies to make amendments to the Very High Fire Hazard Severity Zones with finds of substantial evidence.

**WHEREAS**, The Santa Clara County Fire Department and Town make findings supported by substantial evidence to include areas in the WildLand-Urban Interface Fire Area which were not identified as very high fire hazard severity zones by the State in order to provide effective Wildland fire protection.

**WHEREAS**, The Town Council finds that the Town of Los Gatos experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires, and the remoteness and steepness of hillside areas in the Town significantly impacts the ability of emergency responders to extinguish or control wildland or structure fires, and these factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction in the hillside areas.

**THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS AS  
FOLLOWS:**

**SECTION I**

The Wildland-Urban Interface Fire Area Map, identified as Exhibit "A" Attached hereto and incorporated herein by this reference, is hereby designated as the map delineating fire hazard zones for the Town of Los Gatos.

## **SECTION II**

In the event that any part of this ordinance is held to be invalid, the invalid part or parts shall be severed from the remaining portions which shall remain in full force and effect.

## **SECTION III**

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on \_\_\_\_\_, 20\_\_ and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on \_\_\_\_\_, 20\_\_ This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

